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SUBJECT: AUSTRIA INCSR PART I

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I. Summary.

Austria is primarily a transit country for illicit drugs; it is not a drug-producing country. Experts see no change in the patterns of illegal trade of narcotic substances in 2009, except for precursor substances, where since 2007 Austria has served as a depot country for interim storage. Foreign criminal groups from former Soviet-bloc countries, Turkey, West Africa, and Central and South America dominate the organized drug trafficking scene in the country. Austria's location makes it an attractive transit region for criminal groups. Production, cultivation, and trafficking by Austrian nationals remain insignificant. Drug consumption in Austria is well below average west European levels, and authorities do not consider it a severe problem. However, they see a trend toward more high-risk drugs. The number of drug users is estimated at between 22,000 and 33,000, but the number of drug-related deaths is decreasing (169 for 2008, compared to 175 in 2007). The Austrian government continued efforts to stiffen anti-doping legislation with a view to eradicating a doping network active during the past few years. Measures include draft legislation to criminalize doping in sports. Cooperation with U.S. authorities continued to be excellent during 2009. International cooperation led to significant seizures, frequently involving cooperation among multiple countries. In 2009, Austria continued its efforts to intensify regional police cooperation, particularly in the Balkans. Austria also continued its focus on providing police training to countries in Central Asia.

Austria is the seat of the United Nations Office for Drugs and Crime (UNODC) and has been a major donor for several years. Austria has been a party to the 1971 and 1988 UN drug conventions since 1997.

II. Status of Country.

There was no significant increase in the number of drug users in Austria during the period of January-October 2009. However, the past decade saw a rise in the use of cannabis from 5 percent in 1993 to 15 percent in 2008, and of ecstasy and amphetamines, now at 4 percent. A 2007 estimate put the number of individuals using problematic drugs (mostly poly-toxic substances plus opiates) between 22,000 and 33,000. Austria counted 169 drug-related deaths in 2008, compared to 175 in the previous year. Some critics argue the downward trend could be a statistical result of the reduced number of autopsies performed. The number of deaths from mixed intoxication continues to rise as drug users consume more high-risk substances. According to police records, total violations of the Austrian Narcotics Act decreased in 2008 and 2009. The latest prosecution statistics (for 2008) show 20,043 charges, a drop of 17 percent from the previous year's total. Of these charges, 961 involved psychotropic substances and 19,082 involved narcotic drugs.

Two offenses involved precursors. Ninety percent of the charges were misdemeanors. Amphetamines and derivatives ("Ecstasy" pills) are predominantly smuggled in from the Netherlands via Germany, and Austria increasingly serves as a transit country for onward smuggling to Slovenia and Bosnia-Herzegovina.

According to a survey commissioned by the Health Ministry,

approximately one-fifth of respondents admitted to the consumption of an illegal substance at some time during their lives. Most respondents cited cannabis, with "Ecstasy" and amphetamines in second and third place respectively. Among young adults from 19 to 29, about 34 percent admit to "some experience" with cannabis at least once in their lifetime. According to the study, 2-4 percent of this age group had already used cocaine, amphetamines, and "Ecstasy," while 3 percent had experience with biogenetic drugs.

III. Country Action against Drugs in 2009.

Policy Initiatives. Following a series of high-profile doping cases among Austrian athletes - particularly the admission of doping by Austrian cyclist Bernhard Kohl shortly after winning 3rd place in the 2008 Tour de France, the Austrian government moved to tighten anti-doping legislation that year. The law also made manipulation of blood plasma for athletes, allegedly conducted by a Vienna company until 2006, a criminal offense. A proposed amendment which was still under review by parliament in Fall 2009, would punish athletes caught doping with prison terms of up to 5 years.

Statistical data suggest that Austrians' attitudes toward drug use have become less liberal since 2000. Public opinion has turned against the call to legalize hashish. One exception to this trend is the approval of distribution of sterile syringes to addicts. Rising crime figures in 2009, and a public perception that foreigners commit most drug-related crime, are cited as possible explanations for this change in public attitude.

Against this background, the Austrian government reinforced and expanded its no-tolerance policy for drug traffickers, while upholding its traditional "therapy before punishment" policy for non-dealing offenders through adjustments of its legal code.

In an effort to implement the European Framework Decision, Austria amended its Narcotics Substances Act (SMG) in 2008. An amendment

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regulating provisions regarding trafficking and handling of narcotic substances and precursor substances, as well as the narcotic drugs data registry, went into effect on January 1, 2009. A 2005 amendment allows certain types of surveillance of illegal drug behavior, by permitting the installation of cameras in high-crime public areas. However, critics argue that this only moves the drug scene to other areas. Another law provides for the establishment of a "protection zone" around schools and retirement centers, in which police may ban suspected drug dealers for up to 30 days. Austrian authorities continue to demand stricter EU-wide regulations regarding the internet trade of illegal substances such as "spice."

Vienna is the seat of the UN's drug assistance agency, the United Nations Office for Drugs and Crime (UNODC). Austria contributed 550,000 EUR (825,000 USD) to this organization in 2009. Additionally, Austria pledged 300,000 EUR (450,000 USD) for drug interdiction in the ECOWAS region, specifically for capacity building in Mali. Overall, Austria spent about 1 million EUR (1.5 million USD) for drug-related projects. In Afghanistan, Austria engaged in capacity building with regard to criminal law and criminal justice. Austria has been working with the UNODC and the EU to establish more effective border control checkpoints along the Afghan-Iranian border to prevent drug trafficking, particularly in opiates. Within the UNODC, Austria also participates in crop monitoring and alternative development plans in Peru, Bolivia, and Columbia. Austria values the "vital role" played by foreign liaison drug enforcement officers accredited in Austria, as well as by the network of Austrian liaison personnel stationed in critical countries abroad.

During its last EU presidency (January-July 2006), Austria initiated the EU's "Partnership for Security," with over fifty countries and organizations, including the U.S. and Russia, as participants. The Partnership reflected Austria's strong, year-long focus on the Balkans. One element of this program is the "Police Cooperation Convention for Southeastern Europe," which Austria co-signed.

In 2009, Austria maintained its lead role among EU countries within

the Central Asian Border Security Initiative (CABSI). Austria participated in the 8th meeting in Tashkent October 1-3, 2009 where members discussed border security and cross-border cooperation in the region.

Law Enforcement Efforts. According to seizure statistics for 2008 (the latest figures available), a total black market value of 24.8 million EUR (37.2 million USD) was seized. Seizure amounts dropped in almost all categories (e.g. -31 percent for cannabis, -11 for heroin). The amount of LSD seized was 78 percent lower than in 2007. The Interior Ministry's 2008 drug report states that Austria's Precursor Monitoring Unit dealt with 247 cases in relation to precursors and clandestine drug laboratories—a noticeable increase of 19.9 percent from the 206 cases in the previous year. In 2008, three illegal drug laboratories were raided in Austria, producing a relatively small seizure of synthetic methamphetamines. The estimated street value of illicit drugs remained largely stable throughout 2008 and 2009. One gram of cannabis sold for 10 EUR (14 USD); one gram of heroin for 85 EUR (120 USD); and one gram of cocaine for 80 Euros (112 USD). Amphetamines sold for 25 EUR (35 USD) per gram and one LSD trip for 35 EUR (49 USD).

Corruption. Austria has been a party to the OECD anti-bribery convention since 1999 and to the UN Corruption Convention since January 2006. The GOA's public corruption laws recognize and punish the abuse of power by a public official. An amendment which went into effect on January 1, 2008 substantially increased penalties for bribery and abuse of office. As of fall 2009, there were no pending corruption cases involving bribery of foreign public officials. As a matter of government policy, the GOA does not encourage or facilitate illicit production or distribution of narcotic or psychotropic drugs or other controlled substances, or the laundering of proceeds from illegal drug transactions.

Agreements and Treaties. Austria is a party to the 1988 UN Drug Convention, the 1961 Single Convention on Narcotic Drugs and its 1972 Protocol, and the 1971 UN Convention on Psychotropic Substances. Austria is a party to the UN Convention Against Transnational Organized Crime and its Protocol against Trafficking in Persons. An extradition treaty and mutual legal assistance treaty are in force between the U.S. and Austria. In addition, the two countries have concluded protocols to the extradition and mutual legal assistance treaties pursuant to the 2003 U.S.-EU extradition and mutual legal assistance agreements. The protocols are pending entry into force. Furthermore, in fall 2009 Austria and the U.S. were in the final stages of signing an asset-sharing agreement regulating the allocation of confiscated assets between the two countries.

Cultivation. Production of illicit drugs in Austria continued to be marginal in 2008 and 2009. The Interior Ministry's annual report on drug-related crime noted a rise in private, indoor-grown, high-THC-content cannabis. Austria recorded no domestic cultivation of coca or opium in the period January-October 2009.

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Drug Flow/Transit. The Interior Ministry's drug report stresses that Austria is not a source country for illicit drugs, but remains a transit country. According to the DEA's quarterly trafficking report, illicit drug trade by Austrian nationals is negligible. Foreign criminal groups (e.g. Turks, Serbs, Bosnians, Russians, Albanians, and Bulgarians) carry out organized drug trafficking in Austria. The Balkan route into the country is a particularly difficult one to control. In addition to opiates, 90 percent of cocaine enters Austria by the Balkan Route. The illicit trade increasingly relies on Central and East European airports, including Vienna's Schwechat International Airport. A continuing trend in Austria is West African narcotics smugglers using women from former Soviet-bloc countries to smuggle drugs into Austria. The GOA reports a noticeable increase in Austria's growing role as a transit country for "Ecstasy" coming from the Netherlands to the Balkans.

Domestic Programs/Demand Reduction. Austrian authorities and the public generally view drug addiction as a disease rather than a crime. This is reflected in its relatively liberal drug legislation

and court decisions. Conversely, there is growing public pressure on legislators to move more rigorously against (mostly foreign) drug traffickers. The government remains committed to measures to prevent the social marginalization of drug addicts. Federal guidelines ensure minimum quality standards for drug treatment facilities. The GOA's demand reduction program emphasizes primary prevention, drug treatment, counseling, and harm reduction measures, such as needle exchange programs. Ongoing challenges in demand reduction are the need for psychological care for drug victims and greater attention to older victims and immigrants.

Primary intervention starts at the pre-school level and continues through secondary school, apprenticeship institutions, and out-of-school youth programs. The government and local authorities routinely sponsor educational campaigns both within and outside of the classroom. Overall, youths in danger of addiction are primary targets of new treatment and care policies. Austria has syringe exchange programs in place for HIV and hepatitis prevention. Hepatitis B and C are commonplace among intravenous drug users at 59 percent. Policies toward greater diversification in substitution treatment (methadone, prolonged-action morphine, and buprenorphine) continued in 2009. Austria is one of the few countries allowing use of retarding morphine for substitution treatments. Austria currently has approximately 10,000 people in rehabilitation programs.

IV. U.S. Policy Initiatives and Programs.

Bilateral Cooperation. Cooperation between Austrian and U.S. authorities continued to be excellent in 2009. Several bilateral efforts exemplified this cooperation, including ongoing DEA support of Austria's Drug Policing Balkans initiative and the government's ongoing anti-doping strategies. Throughout 2009 Austrian Interior Ministry officials continued to consult the FBI, DEA, and DHS on how to update criminal investigation structures. Similarly, DEA continues to work with Airport Police at Austria's Schwechat airport in an effort to intercept drug couriers. Drugs seized in golf balls during 2009 provided valuable insights into new methodologies used by international drug rings. As in 2008, leads passed from the Bangkok DEA office to Airport Police at Schwechat airport throughout 2009 proved valuable with respect to drug seizures, arrests and intelligence sharing between agencies. In addition, the U.S. Embassy regularly sponsors speaking tours for U.S. counternarcotics experts in Austria.

The Road Ahead. The U.S. will continue to support Austrian efforts to combat drug trafficking, including the creation of more effective tools for law enforcement. As in past years, the U.S. will work closely with Austria within the framework of U.S.-EU initiatives, the UN, and the OSCE. Promotion of a better understanding of U.S. drug policy among Austrian officials will remain a U.S. priority.